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Kamal Vs. Leelavati

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SooperKanoon Citation : sooperkanoon.com/1043770

Court : Madhya Pradesh

Decided On : Sep-24-2012

Appellant : Kamal

Respondent : Leelavati

Judgement :

C.R.No.278/2012 24.09.2012 Shri Ramashankar Yadav, Advocate for the applicants.

Being aggrieved by the order dated 17.5.2012 passed by the Civil Judge, Class-II, Parasiya in C.S.No.22-A/12 rejecting the application under Order 7 Rule 11 of the Code of Civil Procedure filed by the defendants- applicants, this revision has been preferred.

On perusal of the record it reveals that in the application issue regarding limitation and cause of action was raised.

The trial Court considering the material available on record directed that the said issue can be decided after recording evidence because it is a mixed question of law and fact.

Accordingly the application was rejected.

After hearing the learned counsel for the applicants and on perusal of the finding so recorded, this Court is of the considered opinion that the trial Court has not

committed any error in rejecting the said application.

Accordingly, the revision is rejected notwithstanding the fact that it is barred by time.

(J.K.Maheshwari) Judge ap

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